



Sheriff Paul Babeu
Pinal County, Arizona

February 3, 2015



Pinal County Sheriff's Office

January 31, 2015

Committee on the Judiciary, "Examining the Adequacy and Enforcement of Our Nation's Immigration Laws"

Pinal County, Arizona is always listed among the fastest growing counties in America. We are between Phoenix and Tucson and in recent years, Pinal County has been the "Number One Pass Through County for Drug and Human Trafficking in all of America," where nearly half of the illegals entering America have entered through Arizona. According to U.S. Border Patrol, in recent years they have apprehended anywhere from 87,915 to 123,285 illegals in the Tucson border sector, which is one of the busiest and deadliest of any of the nine southwest sectors. U.S. Border Patrol has acknowledged this number does not take into account another conservative estimate of double this number of illegals that made it into the United States undetected. Of those illegals that were caught, 17 to 30 percent of them already have a criminal record in the United States.

According to a recent GAO report, 56 percent of the border is NOT under "Operational Control." In my opinion and the opinion of most people, 44 percent is a failing grade. Arizona has four counties that share the border with Mexico. Yuma County is under operational control at this time. The other three border counties (Pima, Santa Cruz and Cochise) are not and drug and human smuggling is funneled into our county - Pinal - by the natural terrain features and major roads and Interstates-10 and -8.

\$3 Billion Sinaloa Cartel Drug Bust

Our Sheriff's Office led a multi-agency investigation, which busted the largest drug smuggling operation in the history of Arizona; valued at nearly \$3 Billion, arresting 76 individuals of the Sinaloa Mexican Drug Cartel and seizing 108 of their firearms – two of which were traced back to the Fast and Furious gun running operation. The size and scope of this operation underscore the magnitude of the fight we are up against when considering foreign drug and human smuggling criminal syndicates. This is not just marijuana, but also cocaine, methamphetamine, heroin, human smuggling and human trafficking.

Drug Cartel Scouts

Last year, we arrested and prosecuted nineteen Mexican Drug Cartel members, who were working as "Scouts" in the hilltops overlooking one of the most active drug and human smuggling corridors in all of America. The scouts were on the hilltops for nearly a month at a time working as "spotters" for the "guides" as they smuggled drug-loads and humans into the United States. The scouts communicated with the guides and members of the Mexican Drug Cartels to let them know when law enforcement were in the area. They communicated by using cell phones and digitally encrypted radios and even had portable solar panels to recharge their electronics.

This elaborate network of scouts covered a swath of nearly 50-miles of my county. The precision of this criminal syndicate is evidenced in their operations and their logistical network that kept them resupplied with food, water and other supplies. As a retired Army Officer, who has served our nation in Iraq and also commanded 700 soldiers in Yuma, I understand the difficulty to sustain military operations. This story about

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cartel scouts occupying mountaintops does not take place in some far away land, like Afghanistan or Iraq. This is 70 miles north of the US/Mexican border – on American soil! How in the world have we arrived at this place, that it has become the job of the local Sheriff to now fight these foreign criminals?

Today, as I'm testifying, we have 28,600 US military on the Demilitarized Zone in Korea; protecting, guarding and defending their border, dating back to a war that started in the 1950's. We help defend and protect against threats for so many other countries around the world. We need to put America and our security first for once. We need to protect, guard and defend our US borders.

Think about this; Mexican Drug Cartel Scouts occupying hilltops, Arizona's largest \$3 Billion drug bust and hundreds of thousands of illegals making their way into the Tucson Border Sector every year. In law enforcement, we call these clues; the border is NOT more secure.

Mass Prison Break

On Saturday, February 23rd, 2013, Immigration Customs Enforcement employees, who work as Detention Removal Officers, were called into work and 207 illegals were processed and released from the ICE Eloy facility on this date alone. Of the 207, a total of 48 of them had been charged or convicted in the United States with either manslaughter, child molestation, aggravated assault, weapon offenses, forgery, drug offenses and or other serious crimes. There were nearly 400 criminal illegals released in my county alone. ICE initially denied this mass prison break and said I was making it all up. They admitted to a few hundred at first and as public pressure mounted, ICE later admitted they released over 2,000 illegals from detention facilities in California, Arizona, Texas and Georgia and planned to release another 3,000 more.

On March 14th, 2013, former ICE Director John Morton told members of Congress during his testimony that in fact 629 of the released detainees had criminal records here in the United States. Mr. Morton confirmed under testimony that over 30 percent of them have criminal records.

According to a Center for Immigration Studies (March 2014) report, in 2013, ICE agents released 36,007 illegals with criminal convictions, or 25 percent of all criminal illegals, they reported encountering. The criminal illegal releases typically occurred without formal notice to local law enforcement agencies and victims. In 2014, ICE charged only 143,000, or 24 percent, out of the 585,000 potentially deportable illegals they encountered. Most of the illegals came to ICE's attention after incarceration for a local arrest.

Protocol and logic should have required ICE to formally notify me, as the top law enforcement official in the county where this occurred, about this mass release of hundreds of foreign criminals into my county and elsewhere, yet regrettably this never happened. Even as the constitutionally elected Sheriff, I do not have any authority to release inmates or detainees in my jail without judicial action. The silence from ICE in failing to answer if any judge was involved with this release or the change of the terms of their detention has never been answered. Supervised release for any foreign criminal is laughable. What incentive do criminal illegals have to report in to the authorities? What is the worst punishment would they face - deportation?

DHS refuses to provide me (after repeated formal requests and legal demands) with the names, criminal histories, security threat of these criminals. To say the least with Eric Holder's Fast and Furious, we know 2,000+ high-powered guns were given to the drug cartels in Mexico and these 2,200+ serious criminals were released directly into our communities. Our law abiding citizens and families will be victimized by serious crimes for years to come by President Obama's mass prison break.

You and I will **NEVER** be provided this information because we could then link new violent crimes committed against American citizens to these thousands of foreign criminals released onto our streets.

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President Obama, Janet Napolitano and Jeh Johnson would clearly be responsible for these crimes and answerable to victims' appropriate outrage.

5, 10, 14, 16 Times Deported

If a citizen breaks the law and no law enforcement action is taken, what message does that send to everyone else? This is exactly what's happening with our immigration laws in America. That's why my deputies encounter many criminal illegals, who admit to being deported as many as 16 times. The laws apply to American citizens, but if you're an illegal from a foreign country — it appears the laws do not apply and there are few, if any real consequences. Don't be scratching your heads wondering why Aaron Marquez-Quintero has now returned a 17th time...it's because there are no consequences. There's little doubt that he and other repeat offenders have broken other laws and entered our America illegally other times without being caught. President Obama refuses to enforce our immigration laws to protect our citizens but instead is more concerned with providing "prosecutorial discretion" by waving entire laws and circumventing the laws of our land and our lawmaking body of Congress.

Central American Children as refugees

The very hope of 60,000 unaccompanied juveniles from Central America was realized when they were welcomed with open arms. What message does this send the millions of future illegals in Mexico and Central America? If you make it to the border and say you're fleeing violence — you're home free? Think again, if you believe that the majority of these kids will be returned to their home countries. The 11 million or more illegals currently in the U.S. should be proof enough that this will never happen.

DHS flew in 40-50 of these juvenile asylum seekers from Central America to my county. DHS Secretary Jeh Johnson promised to notify and coordinate with local officials prior to sending these "refugees" to communities across the Southwest. This never happened. This was done in secrecy and we still have no response to our legitimate public safety and public health concerns about the history of juveniles.

The most humanitarian response would be to place these children on planes, return them back to their country of origin and reunite them with their families. If we fail to do this, we invite future waves of refugees. There are over 40 million children under the age of 18 in Mexico, and based on this refugee claim, they would easily qualify for asylum given the cartel violence. Would President Obama turn away these children? Not a chance.

Six page Jeh Johnson Memo

You may remember President Obama's national TV appearance on his executive action for immigration, where he described deferred action for approximately four to five million who have been in the US for five years or longer. While the public and media's attention was on President Obama's executive action, DHS simultaneously issued orders to ignore America's immigration laws. This directive is the 'smoking gun' showing ICE doesn't plan to arrest or take action on any of the 11 million plus illegals already in the United States, which is far greater than the five million as stated by the President. President Obama makes illegals his priority, rather than securing the border and enforcing the law. Immigration laws will only sometimes be used for the most serious violent felons, while the over 11 million illegals get a free pass. This is not prosecutorial discretion, but instead an intentional and flagrant disregard of the law and we will all suffer the consequences.

The broader implications of gutting of immigration law, not only eliminates consequences for lawbreakers and denies justice to victims, but it also sends the wrong message. This action will be like a flashing neon sign for the millions of future illegals who have yet to come here, telling them that if they make it to the border — they're home free. Arizona Sheriffs (which is evenly represented by democrats and republicans)

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unanimously voted to send a letter to Chairman Bob Goodlatte, Rep. Trey Gowdy and our entire Arizona delegation denouncing the President's executive action and for excluding Congress – our lawmakers, who are our elected representatives - from participating on this most important immigration issue. We also argue that important homeland security, border security, and public safety concerns must be a component of this discussion. Essentially, we are saying Congress must stand up for itself as the constitutional authority to make laws and stop this unilateral overreach of executive power.

30-50 criminal illegals released every day in Pinal County

Two weeks ago, high level US Border Patrol leaders met with the National Sheriffs' Association, when one of them said there has been "no change or affect" by President Obama's executive action on immigration or Sec. Johnson's 6 page memo. I immediately challenged this leader and told him of the very real consequences. I informed him that I have received two phone calls from ICE Enforcement and Removal Operations (ERO) in Arizona, who told me that they are releasing 30-50 illegals every day from custody, who were previously slated for deportation. He cited Sec. Johnson's memo, which orders prosecutorial discretion and the halting of court actions for most illegals – even those in prison and slated for deportation. Congress authorized 34,000 beds for ICE, yet they currently house 24,000. These were always described as the worst actors, who committed serious violent crimes or numerous lesser non-violent crimes. These are the small portion of criminal illegals that even President Obama said needed to be deported. Now, they are brought to the bus stations in Tucson and Phoenix and heading to your neighborhoods.

Proposed Solution

We can secure the border if we replicate the success of what was accomplished in the Yuma Sector. The Yuma Sector has now attained a 97 percent reduction drug and human smuggling.

There are three key elements to securing the border. First, deploy 6,000-armed soldiers for a period of two years. While armed soldiers are deployed, complete the double barrier fence with the surveillance platforms, lighting, sensors and asphalt roads to support rapid deployment of US Border Patrol. Thirdly, fully enforce the law without any diversion option for illegals. This compromise of "catch and release" has undermined the rule of law, since there are no consequences. Operation Streamline has proven highly effective in the Yuma Sector, since consequences are not waved for violating immigration law.

I have strongly opposed past immigration reform offered by the so-called "Gang of Eight," officially titled the "Border Security, Economic Opportunity, and Immigration Modernization Act of 2013" or the "Schumer-McCain Immigration Bill."

We must secure the border first, prior to any discussion of green cards and a path to citizenship, offered to more than 11 million illegals and their families. This plan gives everything to President Obama upfront, while border security is promised once again on the backend. We are now repeating history, when in 1986 President Reagan gave amnesty to two million illegals. Now, the stakes are far higher, yet it seems that we haven't learned our lesson. The failure to secure the border after the Reagan amnesty got us where we are at today with 11 million or more illegals in our Country...executive deferred action sets this process in motion once again. We are about to see the beginning of the third wave of illegal immigration.

The best plan, to date, to protect America was the Gowdy interior enforcement bill introduced in the last Congress. The bill, if approved, would give law enforcement agencies across the United States clear direction so immigration enforcement can be consistent throughout all communities.

In Pinal County, law enforcement and citizens are forced to live with the results of an unsecured border. Almost daily, Deputies of my office are involved in vehicle pursuits with cartel members smuggling drugs or

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humans. We have had executions and warnings from the U.S. Department of Homeland Security that the cartels members from Mexico were going to be sending assassins to Pinal County to execute other cartel members. We have had cartels send "Rip Crews," who have been involved in gun battles with other cartel members, in attempts to steal drugs and humans being smuggled by rival cartels. "Rip Crews" have conducted traffic stops on individuals and committed robberies. Among other locations, "Rip Crews" target stash houses, which are houses in our communities and neighborhoods, next to our schools, businesses and families, where drugs and humans are held awaiting transport throughout the United States. We have seen homicides, home invasions, kidnappings, shootings, sexual assaults, burglaries and thefts. Deputies have confronted armed individuals both in the desert and in vehicles and have been involved in shootings and physical confrontations.

I urge this committee to offer solutions for border security and require the enforcement of ALL of America's laws. Stand up and defend your constitutional lawmaking authority and demand the President faithfully execute the laws you have passed. If the laws of the land were enforced, it would make it more difficult for terrorists and other aliens, who pose national security concerns, to enter and remain in the United States. They would also protect the American public by facilitating the removal of criminal aliens, improve our nation's first line of defense and require U.S. Immigration and Customs Enforcement officers to carry out their jobs of enforcing Federal immigration laws.

Respectfully,

A handwritten signature in dark ink, appearing to read "Paul R. Babeu". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Paul Babeu, Sheriff
Pinal County, Arizona